

State of Massachusetts, and charging adulteration and misbranding in violation of the Food and Drugs Act.

It was alleged in substance in the libel that the product was a drug and that it was adulterated in violation of the so-called Food and Drugs Act in that it consisted in part of commercial glucose and added water.

Misbranding was alleged in substance for the reason that the article was an imitation of, and was offered for sale under the name of, another article, to wit, glycerin, whereas, in truth and in fact, it was not glycerin.

On September 30, 1918, Harold A. Forbes, trading as H. J. Forbes & Co., New York, N. Y., filed a claim for the product, and on June 3, 1920, entered a stipulation agreeing that the product might be condemned unless said claimant should file a bond within 60 days from the date of such stipulation. On January 31, 1921, the claimant having failed to file such bond, judgment by default was entered, and it was ordered by the court that the product be condemned and forfeited to the United States, and it was further ordered that it be sold at public auction by the United States marshal.

E. D. BALL, *Acting Secretary of Agriculture.*

9243. Adulteration of ginger ale and root beer. U. S. * * * v. 224 Cases * * * of Ginger Ale and 202 Cases * * * of Root Beer. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14125. I. S. Nos. 4140-t, 4141-t. S. No. C-2650.)

On December 30, 1920, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 224 cases, each containing 12 bottles, more or less, of ginger ale, and 202 cases, each containing 12 bottles, more or less, of root beer, at Chicago, Ill., alleging that the article had been shipped by the Almanaris Mineral Spring Co., Waukesha, Wis., on August 14, 1920, and transported from the State of Wisconsin into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act. The articles were labeled in part, "Montclair Brand Waukesha Ginger Ale" (or "Root Beer").

Adulteration of the articles was alleged in the libel for the reason that a substance, to wit, saccharin, had been mixed and packed with said articles so as to lower, reduce, and injuriously affect their quality and strength, for the further reason that saccharin had been mixed and packed therewith in a manner whereby damage and inferiority were concealed, and for the further reason that the articles contained an added poisonous or deleterious ingredient, to wit, saccharin, which might render them injurious to health.

On January 14, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the products be destroyed by the United States marshal.

E. D. BALL, *Acting Secretary of Agriculture.*

9244. Misbranding of Castalian natural mineral water. U. S. * * * v. 10½ Dozen Bottles of * * * Castalian Natural Mineral Water. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14127. I. S. No. 6475-t. S. No. E-3024.)

On January 3, 1921, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 10½ dozen bottles of Castalian natural mineral water, remaining unsold in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by J. P. Forbes & Co., Santa Cruz,